

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	
- v. -	:	S4 15 Cr. 867 (RMB)
	:	
REZA ZARRAB,	:	
a/k/a “Riza Sarraf,”	:	
MEHMET HAKAN ATILLA,	:	
MEHMET ZAFER CAGLAYAN,	:	
a/k/a “Abi,”	:	
SULEYMAN ASLAN,	:	
LEVENT BALKAN,	:	
ABDULLAH HAPPANI,	:	
MOHAMMAD ZARRAB,	:	
a/k/a “Can Sarraf,”	:	
a/k/a “Kartalmsd,”	:	
CAMELIA JAMSHIDY,	:	
a/k/a “Kamelia Jamshidy,” and	:	
HOSSEIN NAJAFZADEH,	:	
	:	
Defendants.	:	
	:	
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JOINT PROPOSED EXAMINATION
OF PROSPECTIVE JURORS

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Southern District of New York

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Sidhardha Kamaraju
David W. Denton, Jr.
 Assistant United States Attorneys
Dean C. Sovolos
 Special Assistant United States Attorney
 -Of Counsel-

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GOVERNMENT’S PROPOSED EXAMINATION
OF PROSPECTIVE JURORS

The Government respectfully requests that the Court include the following questions in its examination of prospective jurors pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure. The Court is requested to pursue more detailed questioning if a particular juror’s answer reveals that further inquiry is appropriate. If further questions might influence other prospective jurors, or might prove embarrassing to the juror, the Government requests that such questioning take place at the bench or in the robing room. The Government further requests that all follow-up questioning conclude with an inquiry whether the particular fact or circumstances

would influence the juror in favor of, or against, either the Government or the defendant.

Problems with Perception

1. Do any of you have a problem with hearing or vision which would prevent you from giving full attention to all of the evidence at this trial?

2. Do any of you take medication which would prevent you from giving full attention to all the evidence at this trial?

3. Do any of you have any difficulty in reading or understanding English?

In addition, Atilla proposes the following question:

4. Do any of you read or speak Turkish or Farsi?

The Charges

5. This is a criminal case. The defendants, REZA ZARRAB, a/k/a “Riza Sirraf,” and MEHMET HAKAN ATILLA have been charged with the commission of a number of federal crimes in a six-count Indictment returned by a Grand Jury sitting in this District. The Indictment is not evidence, and is not proof of a crime. It is merely a document that specifies the criminal charges against a defendant. Those of you who are selected to sit on this jury will receive a detailed explanation of the charges at the conclusion of the case, but I would like to give you a brief summary of the charges now, so that we can determine whether there is anything about the charges that would make it difficult for you to sit as a fair and impartial juror. After I summarize the charges, I will ask a series of questions. If you have an affirmative response to any of my questions, and would feel uncomfortable responding in open court, let me know and I will hear your answer at the bench or in the robing room.

Atilla proposes that the second two sentences of this question be revised to read:

The Indictment is not evidence, is not proof of a crime and you may not consider it as

evidence. It is merely a document that specifies the criminal charges against a defendant. The Defendants are presumed to be innocent in this case, and are presumed to be innocent throughout the trial. The Government has the burden of proof in this case. The Defendants do not have any burden to prove anything whatsoever.

6. The Indictment charges the defendants with six counts: Count One charges the defendants with participating in a conspiracy (which is simply an agreement) to defraud the United States by impairing and impeding the United States Department of Treasury (the “Treasury Department”)’s lawful administration of the United States’ economic sanctions against the Islamic Republic of Iran. Count Two charges the defendants with participating in a conspiracy to violate the International Emergency Economic Powers Act (“IEEPA”) by providing financial services to Iran and Iranian entities in violation of economic sanctions imposed by the United States and evading and avoiding those sanctions. Count Three charges the defendants with defrauding U.S. financial institutions by causing them to process financial transactions that were on behalf of Iran and Iranian entities in violation of the economic sanctions imposed on Iran by the United States. Count Four charges the defendants with participating in a conspiracy to defraud U.S. financial institutions by engaging in the conduct alleged in Count Three. Count Five charges the defendants with engaging in financial transactions from abroad into the United States that were intended to promote the violations of IEEPA alleged in Count Two, the bank fraud and bank fraud conspiracy alleged in Counts Three and Four, and bribery of foreign officials. Count Six charges the defendants with participating in a conspiracy to commit money laundering by engaging in the conduct alleged in Count Five.

Atilla proposes that the first sentence of this question be revised to read:

The Indictment charges the defendants with six counts: Count One charges the defendants

with participating in a conspiracy to defraud the United States by impairing and impeding the United States Department of Treasury (the “Treasury Department”)’s lawful administration of the United States’ economic sanctions against Iran.

7. Do any of you have any personal knowledge of the charges in the Indictment as I have described it? Have you read or heard anything about this case, including any accounts in the media, the foreign press or on foreign websites? If so, is there anything that you have read or heard that would cause you to feel that you cannot decide the facts of this case fairly and impartially?

In addition, Atilla proposes the following question:

8. Do any of you believe that since a grand jury returned an indictment that either of the defendants most likely did something wrong?

Nature of the Charges

9. As I explained earlier, the defendants in this case are charged with offenses that involve the alleged violation of economic sanctions imposed by the United States on the Islamic Republic of Iran. Do any of you feel that you could not view fairly and impartially a case involving such charges? Has anyone formed an opinion that the actions charged in the Indictment, as I have described them to you, should not be crimes?

10. Do any of you have any opinion about the enforcement of federal laws that might prevent you from being fair and impartial in this case? Do any of you believe that any of these crimes should not be illegal or that such laws should not be enforced? Do any of you have any opinions or beliefs about the enforcement of these or other federal laws that might prevent you from being fair and impartial in this case?

11. The defendants are charged with defrauding U.S. financial institutions, including

[INSERT LIST OF ALL VICTIM BANKS]. Do you have any personal or professional relationship with these financial institutions that would make it difficult for you to serve as a fair and impartial juror on this case?

In addition, Atilla proposes the following additional questions:

12. Has anyone formed an opinion that the actions charged in the Indictment, as I have described them to you, should be prosecuted more or less harshly than other crimes?

13. Do you have any particular thoughts or opinions regarding economic sanctions instituted by the United States against Iran and Iranian entities?

14. Do you have any particular thoughts or opinions regarding Iran's nuclear-weapons program and/or the United States involvement to hinder its program?

15. Does anyone feel that charges involving Iran or against Iranian citizens should be prosecuted more vigorously than other alleged crimes?

16. Do you have any opinion about the agreements that President Obama made with Iran which reduced the U.S. sanctions against Iran?

Knowledge of Trial Participants

17. Do any of you know, or have you had any direct or indirect dealings with the defendants, REZA ZARRAB, a/k/a "Riza Sirraf" or MEHMET HAKAN ATILLA? *[Please ask the defendants to stand.]* Do any of you know, or have you had any direct or indirect dealings with any relatives, friends, or associates of the defendants?

18. To your knowledge, do you have any relatives, friends, associates, employers, or employees who know, or who may have had any dealings with, the defendant, or with any relatives, friends, or associates of his?

19. The Government is represented officially here, as in all cases where it is a party

before this Court, by the Acting United States Attorney for the Southern District of New York, Joon H. Kim. Do any of you know Mr. Kim? The conduct of the trial will be in the immediate charge of Assistant United States Attorneys Michael D. Lockard, Sidhardha Kamaraju, David W. Denton, Jr., and Special Assistant United States Attorney Dean C. Sovolos. They will be assisted by Special Agent Jennifer McReynolds of the Federal Bureau of Investigation, and Michael Chang-Friedan, a paralegal in the United States Attorney's Office. *[Please ask each to stand.]* Do any of you know Mr. Lockard, Mr. Kamaraju, Mr. Denton, Mr. Sovolos, Special Agent McReynolds, or Mr. Chang-Friedan? Have any of you had any dealings, either directly or indirectly, with any of these individuals?

20. REZA ZARRAB, a/k/a "Riza Sirraf," is represented by Benjamin Brafman, Marc Agnifilo, and Joshua Kirshner, of the law firm, Brafman & Associates, P.C. *[Please ask defense counsel to stand.]* Do any of you know Mr. Brafman, Mr. Agnifilo, or Mr. Kirshner? Have any of you had any dealings, either directly or indirectly, with any of them? Have any of you had any dealings with their firm, Brafman & Associates?

21. MEHMET HAKAN ATILLA is represented by Victor Rocco, Thomas Thornhill and David Rosenfield, of the law firm Herrick Feinstein, LLP, and Cathy Fleming and Robert Fettweis, of the law firm Fleming Ruvoldt PLLC. Do any of you know Mr. Rocco, Mr. Thornhill, Mr. Rosenfield, Ms. Fleming or Mr. Fettweis? Have any of you had any dealings, either directly or indirectly, with any of them? Have you had any dealings with their law firms, Herrick Feinstein or Fleming Ruvoldt PLLC?

22. I am now going to give you a list of additional names of people, businesses, and locations that may be mentioned during the trial. When I am finished, please raise your hand if you know any of the people, businesses, or locations I name, or if you have had any direct or

indirect dealings with them. *[A list of witnesses and other people, businesses, and locations likely to be mentioned during the trial will be supplied prior to voir dire.]*

23. Do any of you have relatives, friends, associates, employers, or employees who, to your knowledge, either know or have had some dealings with any of these individuals, businesses, or specific locations?

In addition, Atilla proposes the following additional questions:

24. Reza Zarrab's wife, Ebru Gündeş is a famous Turkish pop-folk singer, actress, and television personality. Do any of you know, or have you had any direct or indirect dealings with her?

Bias Towards the Defendants

25. How many of you have a negative opinion about those from the Middle East?

26. How many of you feel that the immigration laws are not strict enough?

27. The defendants are from the Middle East and are not U.S. citizens. Do you feel that you might have a difficult time being fair and impartial to either of the defendants because they are from the Middle East and / or because they are not U.S. citizens?

28. One of the defendants in this case, Reza Zarrab, is a very wealthy businessman – a billionaire. How many of you have a negative opinion about foreign businessmen? Mr. Zarrab is a citizen of Turkey, Iran and Azerbaijan. He also has a valid passport from Macedonia. Is there anything about where Mr. Zarrab is a citizen or holds a passport from that would make it difficult for you to be fair and impartial to him in this case?

29. One of the defendants in this case, Hakan Atilla, is a banker and was the deputy General Manager of International Banking at Halk Bank – a government -owned financial institution headquartered in Istanbul, Turkey. Mr. Atilla is a citizen of Turkey and his native

language is Turkish. How many of you have a negative opinion about investment bankers, traders, and / or banking executives? Can you tell me a little bit about how you formed that opinion? Have you ever had any negative experiences with a banker? How many of you feel like there is just something inherently distrustful about an international banker?

30. How many of you believe that in most cases when a wealthy businessman and a banker are charged with a white-collar crime (i.e., fraud, bribery, money laundering, etc.) they most likely did *something* wrong?

31. Do you feel that if one defendant did something wrong, the other more than likely did something wrong as well?

32. Is there anything about the fact that Mr. Atilla works for a bank in Turkey that would make it difficult for you to be a fair and impartial juror in this case?

33. During the time period in question, defendant Atilla was employed at Halk Bank. Do any of you have any personal or professional connection to this bank?

34. Do you have any negative feelings about large international banks? How many of you just feel like large banks are corrupt? What are your thoughts and opinions of large international banks generally?

35. The defendants in this case are not US citizens. Do you have any particular feelings about criminal cases against non-citizens? Is there anything about the fact that the defendants are citizens Middle Eastern countries that would make it difficult for you to serve as a fair and impartial juror in this case?

36. Do any of you have strong feelings about the rights afforded to non-US citizens under US law? Do any of you feel that non-citizens should have fewer rights under US law?

37. Do any of you have strong negative feelings about people of Turkish descent or

Turkish culture? Do any of you have slightly negative feelings about people of Turkish descent or Turkish culture? What about strong negative feelings of people of Iranian, Turkish and / or Azerbaijani descent?

38. Do any of you have negative feelings about the Turkish government that would make it difficult for you to be a fair and impartial juror in this case? Do any of you have negative feelings about the Iranian government that would make it difficult for you to be a fair and impartial juror in this case?

39. Do you have any thoughts or perceptions about American business practices versus Turkish / Middle Eastern business practices?

40. Do any of you have positive or negative feelings regarding the U.S. government's relationship with Turkey? What about the U.S. government's relationship with Iran?

41. Have you read or seen any recent media coverage regarding Turkish-US relations? If yes, what have you seen or heard? Based on what you have seen or heard, have you formed an opinion about Turkish-US relations?

42. Do any of you have positive or negative feelings about Turkey's current President, Recep Tayyip Erdoğan or of Turkish politics?

43. Do you have positive or negative feelings about Fethullah Gülen, knowledge of the Gülen movement and / or political unrest stemming from his alleged involvement in any coup attempt in Turkey?

44. Do you have any feelings about the fact that Turkey and Iran are geographical neighbors and have been trading goods, lawfully, with each other for centuries?

45. Is there anything about the explanation of the allegations or the description of either of the defendants that causes you to feel that you might have a difficult time being fair and impartial in this case?

46. Do you have any particular thoughts or opinions about President Trump's travel ban?

Relationship with the Government

47. Do any of you know, or have any association – professional, business, or social, direct or indirect – with any member of the staff of the United States Attorney's Office for the Southern District of New York, or with any member of the staff of the Federal Bureau of Investigation ("FBI"), or with any other law enforcement agency?

Atilla proposes adding, after ("FBI"), "or the Central Intelligence Agency ("CIA")." In addition, Atilla proposes the following additional questions:

48. Have any of you, either through any experience you have had, or anything you have seen or read, developed any bias or prejudice for or against the United States Attorney's Office, the FBI, or any other federal, state, or local government law-enforcement agency?

49. Have you, a family member, or a close friend ever worked in law enforcement (including state or local police and sheriff's departments, the FBI, U.S. Department of Justice, any prosecutor's office, the Department of Corrections, etc.)?

50. Have you, a close friend, or family member ever sought employment with or been employed by any state or federal regulatory agency including the Securities and Exchange Commission (SEC), the Federal Trade Commission (FTC), the U.S. Commodity Futures Trading Commission (CFTC), the Internal Revenue Service (IRS), any Consulate or Embassy, etc.?

51. Have you, a close friend, or family member ever sought employment, been

employed by, or had any personal or profession relationship with the US Treasury Department, Office of Foreign Assets Control (OFAC), or the US State Department?

52. Do you have any particular thoughts or opinions about the US Treasury Department, Office of Foreign Assets Control (OFAC), or the US State Department?

53. Do you have any opinion about FISA warrants or National Security Investigations?

Prior Jury Service

54. Have you ever served as a member of a grand jury, whether in federal, state, or county court? If so, when and where?

55. Have you ever served as a juror in a trial in any court? If so, in what court did you serve and was it a civil or criminal case? What type of case was it? Did you deliberate? Without telling us what the verdict was, please tell us whether the jury reached a verdict in that case.

Experience as a Witness, Defendant, or Crime Victim

56. Have you, or has any relative or close friend of yours ever been involved, or appeared as a witness, in any investigation by a federal or state grand jury or by a Congressional or state legislative committee, licensing authority, or Governmental agency?

57. Have you or has any relative or close friend of yours ever been a witness or a complainant in any hearing or trial, whether federal, state, local, or in another country?

58. Are you, or is any member of your family or close friend, now under subpoena or, to your knowledge, about to be subpoenaed, in any criminal case either here, or in another country?

59. Have you or has any member of your family, any associate, or close friend, ever been arrested, charged with a crime, either in the United States or in another country?

60. To your knowledge, have you or has any relative, associate, or close friend ever

been the subject of any investigation or accusation, by a prosecutor, a federal or state Grand Jury, or any other law enforcement agency?

61. Have you, or has any friend or relative of yours, ever been a victim of a crime of any kind, either in this country or abroad?

Ability to Render a Fair Verdict

62. *Law Enforcement Witnesses.* The witnesses in this case may also include agents with the FBI and other law enforcement personnel. Would you be more likely to believe or disbelieve a witness merely because he or she is a law enforcement officer?

63. *Expert Witnesses.* You may hear testimony in this case by expert witnesses. Have any of you had any experiences with experts, or do you have any general feelings about the use of experts, that would make it difficult for you to render a wholly fair and impartial verdict?

64. *Searches.* Some of the evidence may come from searches performed by law enforcement officers. I instruct you that those searches were legal and that the evidence obtained from those searches is admissible in this case. Do you have strong feelings about searches conducted by law enforcement officers or the use of evidence obtained from searches at trial?

Atilla proposes omitting the second sentence of this question.

65. *Online Communications.* Some of the evidence in this trial may come in the form of emails or communications over social media that were sent and received by a defendant and others. I also instruct you that this type of evidence does not violate the rights of the defendant involved, and it is perfectly proper for this type of evidence to be introduced at trial for your consideration. With that in mind, do any of you have any feelings about the use of such online communications that would make it difficult for you to consider such evidence fairly and impartially at trial?

Atilla proposes omitting the second sentence of this instruction, and replacing it with, "Only admissible evidence will be permitted at trial."

66. *Translations.* Some of the evidence in this case may involve translations of documents or communications in a foreign language, specifically Turkish and Farsi. Do any of you speak or understand Turkish or Farsi? Because all jurors are to consider the same evidence, a juror who understands either Turkish or Farsi is to rely on the official English translation provided even if that translation differs from the juror's understanding of the testimony. Would you have any difficulty following that instruction?

67. *Particular Types of Evidence.* Does anyone have any expectations about whether certain types of evidence, such as DNA or fingerprint analysis, should be presented by the Government at a criminal trial? Would any of you be unable to follow my instructions that the Government is not required to use any particular technique investigating and presenting evidence of a crime?

In addition, Atilla proposes the following the additional questions:

68. *Foreign Witnesses.* In this case you may hear testimony from foreign witnesses. Would you be more likely to believe or disbelieve a witness merely because he or she is not a US citizen or because he or she is from Turkey? Some of the witnesses may not swear on the Bible because of his or her religion. Is there anything about a witness not placing his or her hand on the Bible because of religious reasons that would make it difficult for you to consider the testimony of that witness fairly and impartially at trial?

69. *Use of Interpreters.* Some of the witnesses speak English but some may need interpreters to be sure they understand the questions fully. Would the fact that a witness used an interpreter have any effect on you? Would the fact that the defendants may use an interpreter have

any effect on you?

Persons Not on Trial

70. You may not speculate as to the reason why other persons are not on trial, or consider it in any way in reaching a verdict. Is there any juror who cannot follow this instruction or who for this reason would have difficulty rendering a fair and impartial verdict?

In addition, Atilla proposes the following additional questions:

Defendant's Right Not to Testify

71. Under the law, a defendant need not testify in his own defense. If a defendant does not testify, the jury is not allowed to consider that fact in any way in reaching a decision as to whether the defendant is guilty. Despite this, how many of you have the expectation that Mr. Zarrab and Mr. Atilla should testify? Why or why not?

72. How many of you believe that if a defendant does not to testify, he is most likely hiding something? Why / why not? Can anybody think of reasons why a defendant would not testify, even if he doesn't have anything to hide?

73. If there are multiple defendants in a criminal case and one of the defendants testifies but the other does not, what, if anything, does that indicate anything to you?

Individual Juror's Background

74. The Government respectfully requests that the Court ask each juror to provide the following information:

- a. the juror's current county of residence and prior counties of residence during the last five years;
- b. the juror's highest level of schooling;

- c. the juror's current occupation and the name of the juror's employer;
- d. the period of employment with that employer;
- e. the same information concerning other employment of the juror within the last five years;
- f. whether the juror has other members of his/her household;
- g. the occupations of other adult members of the juror's household and of any children of the juror who are employed;
- h. from which sources the juror receives his/her daily news, including any foreign news sources;
- i. which television and radio programs the juror watches or listens to on a regular basis;
- j. which Internet websites the juror visits on a regular basis;
- k. whether the juror is active in any associations, organizations, clubs, or unions; and what else the juror does in his/her spare time.

In addition, Atilla proposes the following additional questions:

- l. Where have you and your family members traveled to in the last five years, outside of the U.S.?
- m. Have you, a close friend, or family member ever worked for a bank or held any job related to finance?
- n. Do you have any background, training, experience or knowledge related to banking or international banking procedures?
- o. Have you, a close friend, or family member ever served in the US Military?
- p. Have you, a close friend, or family member ever served the military in the Middle

East?

Function of the Court and Jury

75. The function of the jury is to decide questions of fact. You are the sole judges of the facts and nothing that the Court or the lawyers say or do may encroach in any way on your role as the exclusive fact finders. However, when it comes to the law you must take your instructions from the Court, and you are bound by those instructions. You may not substitute your own notions of what the law is, or what you think the law should be. At the conclusion of the case, your job will be to determine whether or not the government has proven its case beyond a reasonable doubt. Do any of you have any bias or prejudice that might prevent or hinder you from accepting the instructions of the law that I will give you in this case?

76. Do any of you have any legal training, or have any relative or close friend who is an attorney? If so, would this for any reason prevent you from applying the law in this case as stated by the Court? Will each of you accept and follow my instruction that you are not to discuss the case with anyone, including attorneys you may know, until you are excused as jurors, except for during deliberations?

77. Will each of you accept the proposition that the question of punishment is for the Court alone to decide, and that the possible punishment must not enter into your deliberations?

78. Under the law, a defendant is presumed to be innocent and cannot be found guilty of the crime charged in the Indictment unless a jury, after having heard all of the evidence in the case, unanimously decides that the evidence proves that particular defendant's guilt beyond a reasonable doubt. Would any of you have difficulty accepting and applying this rule of law? If so, please raise your hand.

Atilla proposes adding, after "beyond a reasonable doubt," the following sentence:

Proof beyond a reasonable doubt is a higher burden than a civil case.

79. In a criminal case the burden of proof remains with the prosecution. It never shifts to the defendants. For the jury to return a verdict of guilty as to any charge, the prosecution must prove beyond a reasonable doubt each and every element of the charge you are considering. A person charged with a crime has absolutely no burden to prove that he ~~or she~~ is not guilty. Would any of you have difficulty accepting and applying this rule of law? If so, please raise your hand.

Atilla proposes adding, at the end of this question: Regardless of this rule, do any of you feel that a defendant should *prove* his innocence? Why / why not?

80. I will also instruct the jury that as you consider whether the Government has met its burden of proof, you must consider each count of the Indictment separately and must consider each defendant separately. Is there anyone who feels he or she cannot evaluate each count or each defendant separately?

81. You are required by law to make your decision based solely on the evidence or lack of evidence presented in Court, and not on the basis of conjecture, suspicion, sympathy, or prejudice. It cannot be based on a defendant's citizenship or religion for example. Would any of you have difficulty accepting and applying this rule of law? If so, please raise your hand.

82. A defendant in a criminal case has the right to testify and the right not to testify. If a defendant does not testify, the jury may not draw any inference against her or him based on that decision. The fact that a defendant chooses not to testify may not enter into a jury's deliberation at all. If you have any difficulty accepting this legal principle, please raise your hand.

Atilla objects to the preceding question.

83. Do any of you believe that our system of criminal justice improperly favors either

the prosecution or the defense?

84. Do any of you feel that, even if the evidence established the guilt of a defendant beyond a reasonable doubt, you might not be able to render a guilty verdict against the defendant for reasons unrelated to the law and the evidence, including any religious, philosophical, or other belief?

85. In the alternative, if the Government fails to prove a defendant's guilt beyond a reasonable doubt, is there any juror who feels he or she could not render a verdict of not guilty with respect to that defendant?

86. In these questions, I have tried to direct your attention to possible reasons why you might not be able to sit as a fair and impartial juror. Apart from any prior question, does any juror have the slightest doubt in his or her mind, for any reason whatsoever, that he or she will be able to serve conscientiously, fairly, and impartially in this case, and to render a true and just verdict without fear, favor, sympathy, or prejudice, and according to the law as it will be explained to you?

In addition, Atilla proposes the following additional question:

87. If at the end of the trial, you believe that the Government *has not* met its burden, meaning the Government had not proven to you beyond a reasonable doubt that the defendant committed the crime he is charged with, would any of you hesitate to find the defendant not-guilty? Would any of you have some difficulty in voting not-guilty if the Government fails to prove the charge beyond a reasonable doubt, even if your “gut” was telling you something different – even if you had a “hunch” that the defendant might have committed the crime he is charged with?

* * *

From time to time during the trial it may become necessary for me to talk with the lawyers out of the hearing of the jury, either by having a conference at the bench when the jury is present in the courtroom—what we call a “sidebar”—or by calling a recess. Please understand that while you are waiting, we are working. The purpose of any conference outside your viewing is not to keep relevant information from you, but to decide certain procedural issues or how certain evidence is to be treated under the Rules of Evidence and to avoid confusion and error. Please also understand that the lawyers have an obligation to object if they believe it is appropriate and to ask for sidebars if they believe it is appropriate.

Now, we will be going to sidebar to discuss whether any jurors should be struck for cause.

[Discuss and resolve for-cause challenges at sidebar.]

[Replace struck jurors. Ask replacement jurors if they have any affirmative answers to the questionnaire. Resolve any additional for-cause challenges.]

Requested Instruction Following Impaneling of the Jury

88. From this point on, until you retire to deliberate on your verdict, it is your duty not to discuss this case and not to remain in the presence of other persons who may be discussing this case. This rule about not discussing the case with others includes discussions even with members of your own family and friends.

89. If at any time during the course of this trial, any person attempts to talk to you or to communicate with you about this case, either in or out of the courthouse, you should immediately report such an attempt to me, and to no one else, including your fellow jurors. In this regard, please let me explain to you that the attorneys and the defendants are not supposed to speak with any juror, even to offer a friendly greeting. So if you happen to see any of them outside

this courtroom, they will and should ignore you. Please do not take offense. They will only be acting properly by doing.

90. If anything should happen involving any of you that is of an unusual nature, or which you think is something the Court should be told about, do not discuss it with any other juror. Simply give the clerk a note to the effect that you want to speak to me about it and I can then hear what it is and what you have to say. Of course, I do not expect anything unusual or improper to happen.

Dated: New York, NY
October 30, 2017

Respectfully submitted,

JOON H. KIM
Acting United States Attorney for the
Southern District of New York,
Attorney for the United States of America

By: /s/
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